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must have varied greatly with each chancellor. "Equity is according to the conscience of him that is chancellor, and as that is larger or narrower so is equity."¹ Many carefully collected precedents brought to light by Professor Barbour demonstrate this; as well as the very difficulties which he has confessedly met in framing any generalization to show a systematic equity jurisdiction in the fifteenth century. It is a gain to the study of legal history that so thorough an investigator as Professor Barbour has found time to explore the mass of early chancery proceedings and bring to light so much unpublished material.

Mr. Coopland has traced in the second essay, which furnishes the economic contribution to the Studies, the details of the advent of peasant colonists in a district of Northern France with its center at St. Omer, just south of Calais and Dunkirk, and the process by which they gradually acquired holdings almost amounting to ownership. The chief value of the investigation consists in the exact data upon which the generalizations are based. The labor has been performed just in time. It is unlikely that in the future this region will yield much fruit for patient and careful investigators of the exact basis of economic theory such as Mr. Coopland.

J. W.

CRIMINOLOGY. By Baron Raffaele Garofalo. Translated from the first Italian and the fifth French editions. By Robert W. Millar. Boston: Little, Brown and Company. 1914. pp. xl, 478.

This entire book may be summed up as an attempt to make the form of repression fit the criminal. It is the criminal, not his act, that threatens society. The deed is but evidence of the character of the doer who is the real danger, and whom society must suppress. The ideas of punishment, of public vengeance, of intimidation of others, — these, though important, are subordinate to the idea of social necessity. Nor is the danger measured by the moral responsibility of the criminal, as is assumed by the present law. Indeed, since all criminals are but the product of heredity and environment, a logical application of this test would empty our penitentiaries. The real problem is to assort the criminals according to the dangers they represent. To this task Garofalo brings the great practical experience that he has obtained as lawyer, prosecutor, judge, and lawmaker. The first two classes are the insane, and the legal or conventional offenders. These are, theoretically, easy to distinguish, and, presumably, easily disposed of. Garofalo's greatest contribution is the third class, the natural criminal.

The natural criminal is a moral delinquent, marked by a partial or total absence of those usual feelings of pity for the suffering of others, or respect for their property. Garofalo has no patience with the sick-man theory, or the fallen-angel theory. Natural criminals are not normal men afflicted by disease in the literal sense, nor are they, like the Pirates of Penzance, "good men who have gone wrong." It is impossible for Mr. Hyde to be also Dr. Jekyll. He is an anomaly of nature, and society must pursue nature's own remedy, — elimination. But since even natural criminals vary in their degrees of inadaptability, the means of repressing them must also vary. In a draft of an international penal code which Garofalo submits, he suggests such means as the deprivation of rights, interment in over-seas penal colonies, marooning, and the death penalty. He also recommends compensation to the victim and compulsory labor to insure it.

¹ Selden, Table Talk; Equity.

Such, in brief, are Garofalo's ideas. We may not acquiesce in all his contentions, we may even wonder how many of us, if subjected to powerful temptation, would escape the brand of Mr. Hyde. Yet we cannot but feel that his division into natural and legal criminals has a sound basis. So felt even the old strict lawyers with their *malum in se* and *malum prohibitum*. For them, however, the distinction was chiefly a source of intellectual delight, without practical effect in any field but Agency. To Garofalo the difference means a fundamental change in the treatment of criminals.

The treatment itself, however, is more limited than the book's title indicates. Like most positivistic treatises, Garofalo's plan is suggestive of a garbage system, a method of carting off the filth after it has accumulated. The immediate need of this is great, and it is of capital importance as a preventive measure. But the book contains only incidental references to those social forces that produce the criminal or mould his ancestry. Within its scope, however, the book is an excellent introduction to criminology. Written by a lawyer, it makes an especially good beginning for lawyers and law students. It reads easily, due to the translator's success in expressing the author's thought rather than his language. Its moderate tone and practical nature make it good preparation for the audacious theorizing of Lombroso and the brilliant ingenuity of Tarde.

H. B. E.

WORKMEN'S COMPENSATION AND STATE INSURANCE LAW. By Harry B. Bradbury. Second Edition. In two volumes. New York: Banks Law Publishing Company. 1914. pp. lxxxii, 2476.

This work consists of two parts, of approximately equal length. The first part is a systematic treatise, and the second gives in full the text of the statutes. The treatise begins with an introductory chapter covering the theory and history of workmen's compensation acts, and then passes to a discussion of the more important questions to which the acts have given rise, — among others, the abolition of the old defenses, the persons to whom the acts apply, the manner of electing to profit by the acts, what injuries "arise out of" and "in the course of" the employment, the liability for injuries to workmen of contractors and sub-contractors, medical attention, funeral expenses, death benefits, disability benefits, wages as the basis of compensation, and procedure. As to each topic, the plan is to discuss the matter generally, then state decisions, and then indicate briefly the various statutory provisions. The decisions include those of the courts and those of industrial commissions and the like. Where procedure is dealt with, forms are given. In short, the treatise part of the work bears in mind throughout the needs of the practitioner. The other part presents in full the federal workmen's compensation acts, the workmen's compensation acts of the several states, the workmen's compensation acts of the several Canadian provinces, the British workmen's compensation act of 1906 and national insurance act of 1911, and the German workmen's insurance code of 1913. Thus for either practical or scholarly purposes the collection of texts furnishes a substantial basis. The work attempts to include all amendments up to January 1, 1914; and in several instances it contains matter of a still later date. The plan, as has been indicated, includes the features most useful to a practitioner or to a member of a commission charged with framing or administering a compensation law; and the plan has been carried out with a care that inspires confidence. Although the work is prepared for practitioners or for persons having a special interest, the introductory chapter should prove attractive to any student of law.

E. W.